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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,777	01/16/2004	Jan Vet	23255-08754	8134
758	7590	08/09/2005	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			TRIEU, VAN THANH	
		ART UNIT	PAPER NUMBER	2636

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/759,777	VET, JAN	
	Examiner	Art Unit	
	Van T. Trieu	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 January 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/19/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION***Drawings***

1. The drawings are objected to because in Figure 1, all the blocks should be labeled or named. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because the phrase "What is disclosed" must be removed from the abstract. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if

the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because of the following informalities: the specification does not include the section headings (b, f, g, h and i) as above..

Appropriate correction is required.

Claim Objections

4. Claims 5-8, 10, 14 and 16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim ***. See MPEP § 608.01(n).

Accordingly, the claims 5-8, 10, 14 and 16 are not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 6-11 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by **Serfaty et al [US 5,572,546]**.

Regarding claim 1, the claimed tracking and telemetry system comprising at least one transmitter (transmitter unit B, see Figs. 1-3); and at least one receivers (receiver units A and/or C, see Figs. 13); and at least one transmitter is arranged for transmitting a first signal according to a time schedule (the transmitter unit B is transmitter the messages

stored in the memory 31 as first signal to the receiver C according to a time schedule by a microprocessor 30 with a timer, see Figs. 1-4, col. 2, lines 23-26 and col. 4, lines 12-28); and at least one receiver is arranged for receiving the transmitted first signal, characterized in that the transmitter is arranged for receiving a second signal and setting and/or adapting the time schedule for the transmission of the first signal in response to the second signal (the transmitter unit B receives the acknowledgement signals from the sense circuitry 26 so that the microprocessor 30 setting a schedule for transmitting of the stored messages along with the acknowledgement to the remote unit A and/or C, see Figs. 1-4, col. 2, lines 24-35, col. 4, lines 17-43 and col. 8, lines 7-15).

Regarding claim 2, the claimed wireless (the RF antenna 24, see Figs. 1 and 2).

Regarding claim 6, the claimed programming station for producing the second signal, which reads upon the microprocessor 30 is programmed to process and setting up the schedule and acknowledgement signal, see Fig. 2, col. 4, lines 10-28.

Regarding claim 7, all the claimed subject matters are cited in respect to claims 2 and 6 above.

Regarding claim 8, the claimed one or more input means (the sense detector circuitry 26 for inputting signal to the transmitter unit, see Fig. 2, col. 4, lines 11-28).

Regarding claim 9, the claimed adapting the time schedule (the time schedule 34, see Fig. 2, col. 4, lines 20-25).

Regarding claim 10, all the claimed subject matters are cited in respect to claims 1 and 9 above.

Regarding claim 11, all the claimed subject matters are cited in respect to claims 2 and 10 above.

Regarding claim 14, all the claimed subject matters are cited in respect to claims 8 and 10 above.

Regarding claim 15, all the claimed subject matters are cited in respect to claims 9 and 14 above.

Regarding claim 16, all the claimed subject matters are cited in respect to claim 6 above.

Regarding claim 17, all the claimed subject matters are cited in respect to claims 1 and 16 above.

Regarding claim 18, the method claimed limitations are met by the apparatus claim 1 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Serfaty et al** [US 5,572,546] in view of **Viereck** [US 5,025,492].

Regarding claim 3, **Serfaty et al** fails to disclose the transmitter comprising a resonance circuit arranged for receiving the second radio signal. However, **Serfaty et al** teaches that the sense detector circuitry 26 of the transmitter unit B receives the acknowledged signals (second radio signal) from the remote units A, C, D and/or E via RF antenna 24, see Figs. 1 and 2, col. 4, lines 11-25. **Viereck** suggests that the antenna resonance circuit 28 of a radio transceiver 10, which in a transmitting phase transmits a time-limited energy-rich HF interrogation pulse and in a receiving phase following the transmitting phase is ready to receive high-frequency response signals coming from a remote responder 26, see Figs. 1 and 2, col. 1, lines 6-14 and col. 2, lines 48-65. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the antenna resonance circuit of **Viereck** for the sense detector circuitry in the transmitter of **Serfaty et al** in order to make optimum use of the energy

from the transmitter and receiver, and furthermore both of the resonance circuit and the sense detector circuit are designed to receive RF signal remotely from the transmitter.

Regarding claim 4, all the claimed subject matters are discussed between **Serfaty et al** and **Viereck** in respect to claim 3 above, and including the coil W3 of the resonance circuit 28, see Fig. 2 of **Viereck**; and the transmitter comprises a printed circuit board, which reads upon the transmitter circuit, the microprocessor, memory, antenna resonance circuit/sense detector circuit and associated circuits are built on a printed circuit board mounted in the transmitter unit A, see Fig. 2, since the electronic circuits are well known to be mounted on a circuit board having conductive leads or paths.

Regarding claim 5, all the claimed subject matters are discussed between **Serfaty et al** and **Viereck** in respect to claim 3 above, and including the HF pulse signals.

Regarding claim 12, all the claimed subject matters are discussed between **Serfaty et al** and **Viereck** in respect to claims 3 and 11 above.

Regarding claim 13, all the claimed subject matters are discussed between **Serfaty et al** and **Viereck** in respect to claims 5 and 12 above

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2636

Iwasaki discloses a radio communication system for data transmission and reception, which comprises of a transmission device including a radio transmitter and a resonance circuit connected to an antenna. [US 5,034,997]

Helgeson discloses a building monitoring system including a bi-directional radio link between a master and a number of remote units, wherein the master unit schedules the transmission times of the remote units to avoid collisions. [US 6,901,066]

8. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.



Van Trieu
Primary Examiner
Date: 8/4/05